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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirtieth session

SUMMARY RECORD OF THE 791st MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 29 May 2002, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Switzerland (continued) (CRC/C/78/Add.3; CRC/C/Q/SWI/1; HRI/CORE/1/Add.29/Rev.1; written replies of the Government of Switzerland to the questions in the list of issues (document without a symbol distributed in the meeting room in English and French))

1. At the invitation of the Chairperson, the members of the delegation of Switzerland took places at the Committee table.

2. Ms. HÄBERLI (Switzerland) said that Switzerland had reviewed its reservations to the Convention in March 2002, and was in a position to provide a provisional timetable, not for withdrawal, but for consideration of withdrawal of those reservations.

3. Referring to the reservation concerning article 7 of the Convention (naturalization of stateless children), she said the situation had already changed with the entry into force of the new Federal Constitution. Draft revised legislation on nationality was currently before Parliament.

4. With regard to the reservation concerning article 10 (family reunification), she said the draft Foreign Nationals Act had been approved by the Federal Council and forwarded to Parliament for consideration. When the new federal Act entered into force, Switzerland would be in a position to consider withdrawing its reservation, notably in light of the right to asylum.

5. With regard to the reservation concerning article 37 (separation of minors and adults deprived of their liberty), she said there would be a 10-year implementation period for the new federal bill on the criminal status of minors, which was currently being discussed in Parliament, in order to give cantons time to build the detention facilities that would be needed. However, the principle of segregation would apply immediately to remand in custody, the area that had given rise to most of the problems in the past.

6. With regard to the reservation concerning article 40, paragraph 2 (b) (iii) (right to legal assistance), she said the draft criminal law on minors aimed to regulate the question of defence uniformly at the federal level. When the Act came into effect, withdrawal of the reservation would be considered.

7. With regard to the reservation concerning article 40, paragraph 2 (b) (iii) (separation of examining and sentencing authorities), she said that, if a judge was competent to perform both functions, it was considered easier and speedier for him or her to do so in cases involving children. Various authorities were in agreement on the matter, including the European Court of Human Rights and the United Nations, in its standards and norms of juvenile justice.

8. With regard to the reservation concerning article 40, paragraph 2 (b) (v) (review by a higher court), she said cases in which an initial ruling was made by the Federal Tribunal were

very rare. When the justice reform came into effect, such cases would be referred to a new federal court of criminal justice. Switzerland would consider withdrawing the reservation at that time.

9. She said the reservation concerning article 40, paragraph 2 (b) (vi) (free interpreter services) was no longer relevant, given de facto practice in the cantons and the fact that Switzerland had withdrawn a parallel reservation to the European Convention on Human Rights.

10. Lastly, she said the interpretative declaration concerning article 5 did not affect the scope of application of the Convention and its withdrawal was not a high priority. Consideration could be given to withdrawing it in conjunction with withdrawal of other reservations.

11. The CHAIRPERSON said he welcomed the State party's provision of a timetable. He assumed that the issue of separation of minors and adults remanded in custody would be reviewed as a matter of urgency.

12. Ms. KELLER (Switzerland), replying to questions concerning relations with NGOs, said Swiss NGOs operated at communal, cantonal and national level and were key players in the implementation of national policy. In general, they reacted more quickly than the authorities since they were in direct contact with youth and children. The Confederation recognized the value of NGOs' vast experience and knowledge and had recently intensified its cooperation with them. It provided financial support and held twice-yearly meetings with NGOs to coordinate action on youth and children.

13. Mr. CITARELLA wondered whether, given the separation of jurisdictions between the State and the cantons, and the wide powers given to the latter, there were not similar problems of relations with NGOs at the cantonal level as at the Confederation level.

14. Ms. KELLER (Switzerland) said the cantons had excellent relations with NGOs. It was impossible to make any progress without involving them.

15. Mr. VIGNY (Switzerland), replying to questions concerning the time it had taken for Switzerland to ratify various international instruments, said Switzerland's policy was one of caution: it ratified an international instrument only when its domestic legislation had been brought into line with that instrument and implemented. In addition, ratification was subject to popular referendum, a procedure that was initiated only when the Government believed there was a good chance of acceptance.

16. Ms. GERBER (Switzerland) said statistical research and data collection were key elements in formulating policy on children and youth. The Federal Council had recently adopted a new long-term national research programme entitled "Children and youth and relations between the generations in a changing society", which aimed to obtain data on children's and young people's living conditions and their future needs, with a particular emphasis on intergenerational and legal issues. One priority objective would be to produce a statistical atlas on children and young people and carry out an international comparison with the help of international organizations.

17. Mr. WYSS (Switzerland), replying to questions concerning criminal law and procedure, said that the new criminal law on minors was making good progress in its first reading in Parliament and would probably enter into force early in 2004. In addition, popular acceptance of a new Constitutional provision meant that a new unified code of criminal procedure could be introduced under the justice reform programme to replace the cantonal legislation.

18. The new criminal law on minors would raise the age of criminal responsibility from 7 years to 10. While that might seem low by international standards, the new law – and indeed the existing legislation – also provided that penalties as such could not be applied to minors aged under 15 and that educational measures appropriate to their needs and best interests must be applied instead. The authorities responsible for applying the law were specialists and received full training.

19. With regard to children's rights in criminal proceedings, he said children, like any other person, enjoyed full guarantees, directly applicable under the Constitution, including the right to be heard. With regard to legal assistance, he referred to the comments made earlier in connection with Switzerland's reservations to article 40, paragraph 2 (b) (iii), of the Convention, and added that the Federal Act concerning Assistance to Victims of Offences had recently been amended to strengthen children's position by stipulating a maximum of two hearings for the entire proceedings, and examinations to be conducted by specially trained officials - if necessary recorded on video.

20. Ms. KARP welcomed the amendment just referred to, which was of great importance. The necessary training and equipment were major items and she wondered whether budget allocations had been revised accordingly, in order to allow full implementation of the provisions. What time frame was envisaged for implementation?

21. She noted that, according to paragraph 671 of the report, legal assistance was available unless a case was "completely hopeless". Who decided whether a case was hopeless?

22. Mr. CITARELLA wondered whether there were plans to harmonize the rules governing the age at which children were allowed to make statements and give evidence in civil and criminal proceedings. At present there were great differences between the cantons, with some stipulating 12 years and others 18, for example.

23. Mr. WYSS (Switzerland) said the revised Federal Act concerning Assistance to Victims of Offences would enter into force in October 2002, but only provided that all the resources were available. In fact the necessary training had already been done in the cantons.

24. The expression "completely hopeless" in paragraph 671 of the report seemed an unfortunate rendering of the original phrase. It referred to cases that appeared to have no merit in law, a determination that was made by the court. The condition was a general one and did not apply only to children.

25. He said the age limits applied in the various proceedings would be addressed in the new unified code of criminal procedure.

26. The CHAIRPERSON said that the State party should clarify whether article 29 (3) of the Federal Constitution, denying persons the right to free legal assistance if their case appeared to be "completely hopeless", applied in the first instance or in cases of appeal. He could understand that free legal assistance might be denied if a case of appeal was completely unfounded; however, free legal assistance should not be denied in the first instance.

27. Mr. WYSS (Switzerland) said that article 29 (3) of the Federal Constitution applied in both the first instance and in cases of appeal; however, it was usually applied only in the field of civil and administrative law. Criminal law cases were not usually considered to be "completely hopeless".

28. Ms. KARP said that it would be interesting to learn whether the reporting State planned to amend its Criminal Code to provide equal protection for both boys and girls from sexual abuse; currently, girls appeared to be better protected than boys. She had been interested to learn that the statute of limitation for sexual abuse within the family had been extended to the age of 18; however, it was becoming increasingly apparent that victims of incest were often not able to report the crime until they reached their thirties or had children of their own. It would be useful to know whether victims of abuse within the family could report a crime when they felt psychologically ready to do so.

29. Mr. BOUVERAT (Switzerland) said that although article 116 of the Federal Constitution stipulated that the system of family allowances fell within the competence of the federal regime, the system was currently shared among the 26 cantonal authorities, with the exception of a federal family allowance regime in the agricultural sector, which had been introduced in 1952. There were approximately 50 different family allowance regimes in Switzerland, which provided different types of coverage; for example only 10 cantons protected self-employed persons and only 5 provided for those persons who were not engaged in a gainful activity. The amount of family allowance payments also varied from canton to canton. Since 1945, various efforts had been made at federal level to standardize the system of family allowances in order to eliminate the cantonal disparities; however, such efforts had been unsuccessful. A parliamentary initiative providing for a federal regime under which every child would be granted a professional training allowance was currently under discussion. Signatures were being collected for a popular initiative requesting higher family allowance payments. Two other parliamentary initiatives were currently under discussion, concerning the introduction of supplementary payments at federal level to cover the basic needs of families and to prevent them from falling into poverty.

30. Ms. TIGERSTEDT-TÄHTELÄ said that under article 26 of the Convention, States parties had an obligation to recognize for every child the right to benefit from social security, including social insurance, and should take the necessary measures to achieve the full realization of that right in accordance with national law. In addition, the benefits should, where appropriate, take into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child. Therefore, family allowances should be means tested. It was unclear whether family allowance payments and maternity benefits were seen as social security payments or whether they fell within the scope of social welfare. The State party should provide further details about the system of State aid and assistance to parents, contained

in paragraph 229 of the initial report (CRC/C/78/Add.3). The whole system seemed to be very complicated; it would be interesting to know how the people living in the various cantons knew which payments applied to them.

31. Ms. KARP said that diversity was a blessing as long as the rights of the child were equally guaranteed in all cantons. However, she expressed concern that the different systems applied in Switzerland could be seen as a source of de facto discrimination. For example, families in one canton received less support than families in another; the age of criminal responsibility varied from one canton to another; and children with physical disabilities in some cantons were integrated into mainstream schools whereas in other cantons they were not.

32. The CHAIRPERSON said that it seemed difficult to justify the payment of benefits to families with working parents unless families with unemployed parents received other types of benefits. The Federal Government had a responsibility to ensure the equal enjoyment of rights within the Confederation.

33. Ms. SARDENBERG said that the Committee was concerned not only at disparities in the system of family allowance payments, but at cantonal disparities in the system of education and different views on religious worship. The Federal Government should conduct an analysis of the situation of children in the Confederation and devise the policies necessary to ensure the equal implementation of the Convention.

34. Ms. TIGERSTEDT-TÄHTELÄ said she recognized that efforts were being made to harmonize the measures of implementation of the Convention in the different cantons and acknowledged that such a process took time. The report indicated that many parliamentary and extra-parliamentary bodies were involved in the implementation of family policy, including the Central Organization for Family Questions and the Federal Commission for the Coordination of Family Issues, suggesting that mechanisms were in place to harmonize the system. On the issue of education, she drew attention to article 28 of the Convention which outlined the States Parties' obligations to recognize the right of the child to education, with a view to achieving that right progressively and on the basis of equal opportunity.

35. Ms. KHATTAB asked whether she was correct in thinking that, as the Constitution recognized the right of proposal by popular initiative of partial amendment to the Constitution, the people in each canton had chosen the system under which they lived. The State party should indicate whether or not people were able to move to a different canton in order to benefit from a system that might be more advantageous.

36. Mr. MICHEL (Switzerland) acknowledged that the system was rather complicated; however, it was important to bear in mind that cantons were not "provinces" or "administrative subdivisions". Each canton had its own constitution, government and parliament, elected by the people. Just as different countries implemented the Convention in different ways, so did the cantons. He emphasized that a popular initiative at federal level could relate only to an amendment or addition to the Federal Constitution; such an initiative could not relate to legislative matters. However, popular initiatives at cantonal level could relate to legislative or constitutional amendments, depending on the canton. Each canton was responsible for its own system of salaries, taxation and social services contributions and usually ensured that the system

of payments was balanced; for example, a canton with high taxes would usually require lower social security contributions and vice versa. Therefore, in order to be able to make an accurate comparison of family allowance payments in different cantons, it was necessary to have a clear understanding of the overall picture. In reply to Ms. Khattab, he said that there was no legal reason to prevent people from moving to a different canton in order to benefit from better social services, although such movement could have repercussions in other fields.

37. Mr. BOUVERAT (Switzerland) said that Swiss employers were liable to pay family allowance contributions; the amount was calculated in relation to the employee's salary. Traditionally, self-employed persons did not receive family allowance payments. While unemployed persons did not have the right to family allowance benefits, they could receive a supplementary benefit in addition to the daily subsistence allowance to compensate for the loss of family allowance. The amount of that benefit varied from canton to canton, although efforts were being made to harmonize the system.

38. Ms. MASCETTA (Switzerland) said that the system of social protection in Switzerland was based on a system of social security, in the strict sense of the term. People paid "social insurance" contributions and received payments that were calculated uniformly for everyone, without necessarily having a financial need. With the exception of family allowance payments, the system of social insurance benefits fell within the competence of the federal powers. The various branches of Swiss social insurance covered the nine branches of social security in accordance with the definition provided in the 1952 Social Security (Minimum Standards) Convention (No. 102) of the International Labour Organization. There was no social security code in Switzerland; each branch of social security was independent. Some of the branches, such as the system of health insurance, provided coverage for the entire population while others varied from canton to canton. Special payments were made to cover the costs of childcare. For example, an orphan's benefit was provided to children who had lost their family support and supplementary benefits were provided to children with disabilities.

39. Since the mid-1990s, the Federal Government had been studying the advantages and disadvantages of the current system of social security and had concluded that no major reform was necessary. However, various measures would be adopted to improve specific aspects of the system; for example, it was recognized that lack of maternity benefits was a major shortcoming. Certain elements of the social security laws had to be revised to address the new needs of society; for example, further attention needed to be accorded to part-time employees. Other elements were now out of date and could be abolished. The Government's main objective was to strengthen the financial stability of the system and to diversify the methods of funding it; for example, since 1999 the system of value added tax (VAT) was a significant source of funding for the basic old-age and survivors' insurance (AVS). Other forms of taxation, such as an energy tax, were being considered.

40. It had also been recognized that the system needed to be managed in a more efficient and effective way, and that there should be greater harmonization between the different systems of social insurance, to ensure that beneficiaries knew exactly whom to address. A new federal law on social insurance had recently been adopted by Parliament although it had not yet entered into force; it aimed to harmonize certain concepts and procedures relating to social security. The system of disability insurance was being revised to grant people with disabilities greater

independence. Supplementary benefits would be provided to help disabled persons to live in their own homes. Entitlement to such benefits would now begin at birth instead of at the age of majority.

41. The system of social assistance, which was complementary to the system of social insurance, covered the minimum needs of the population as a whole, including those who were not covered by social insurance schemes or whose benefits were insufficient. The Swiss Conference of Social Action Institutions was a specialized association that worked at national level in the field of social action and was endeavouring to ensure that its regulations were standardized across all cantons.

42. Ms. AL-THANI asked whether it was true that children disabled from birth received larger social security payments than other disabled children.

43. Ms. OUEDRAOGO expressed concern about the lack of maternity insurance and asked for explanations of the variations in the length of maternity leave.

44. Ms. MASCETTA (Switzerland) said that disability insurance covered all children whatever the cause of their disability. However, only children with congenital disabilities received financial assistance for care in the home. The current system was due to be reformed and several existing allowances, including the specific allowance for congenital disability, were to be replaced, meaning that a distinction would no longer be made. However, in order not to disadvantage those currently receiving higher levels of assistance, the new system would provide for supplements to the assistance allowance if a disabled child had a particular requirement for treatment at home.

45. Maternity insurance was a problem in Switzerland. Although medical insurance covered all treatment costs for pregnant women there was no entitlement to maternity benefit. A Parliamentary initiative for the introduction of 14 weeks' paid maternity leave at 80 per cent of the last salary had recently been proposed.

46. Ms. KOCHERHANS (Switzerland) said that maternity insurance did not exist in Switzerland. The Labour Act prohibited women from working for eight weeks after the birth although they received no payment during that period. The amount of leave to which a woman was entitled depended on how long she had been employed. For example, during the first year of work, she had the right to three weeks' paid maternity leave and four weeks in the second year, calculated using an official scale. However, the system was far from satisfactory. In larger companies it was sometimes possible to arrange a maternity insurance that covered the whole eight week period, with 50 per cent of the premiums being paid by the employer and 50 per cent by the woman. However, an employer was not obliged to offer such an arrangement.

47. Ms. CHUTIKUL asked for clarification of the naturalization process and whether it was decided at cantonal or federal level. She pointed out that the Committee had received information about instances of ill-treatment by law enforcement officers against foreign children and asked whether the State had a procedure for dealing with such instances. She also wished to know how emerging youth problems were detected and dealt with in society and what organization was responsible for putting them on the national agenda.

48. Ms. AL-THANI asked for further information on certain health indicators including disabilities in children and vaccination updates. She also wondered why there was such a high incidence of road traffic accidents in Switzerland and whether a national strategy existed to combat the problem. Given that suicide rates were also quite high among teenagers, she asked whether there were any centres to help young people. She also wished to know whether HIV/AIDS prevention programmes focused on mother and child transmission, safe sex or other factors and whether the focus was dependent on age groups. She noted that the legal age for alcohol consumption was 16 and wondered whether there were any plans to raise it. She also wished to know what programmes existed to combat smoking in teenagers.

49. Ms. OUEDRAOGO expressed concern about international adoption procedures; if the adoption of a child was unsuccessful the child could be repatriated, meaning that children who had already lost their original nationality might become stateless. She wished to know whether any measures existed to prevent that scenario. Switzerland had not ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and there had been cases of ill-treatment of children due to inadequate follow-up. She therefore wished to know whether efforts were being made to improve follow-up in cases of international adoption. In addition, there appeared to be a tendency in Switzerland towards liberalizing abortion and she requested further information on the issue.

50. Mr. CITARELLA said that although the delegation had stated that the reform of the juvenile criminal law would transfer responsibility for criminal procedure from cantonal to federal level, in the report it appeared that the cantons would retain their jurisdiction over criminal procedure. He requested clarification of the issue and further information on the general conditions at cantonal level for minors (juvenile courts, their composition and the assistance given to juvenile offenders). He had also noted that there was no guarantee that minors would be separated from adults in prisons and detention centres and asked whether there were plans to introduce such a measure.

51. Ms. KHATTAB noted that the highest numbers of children born out of wedlock were born to African women; she wondered whether any studies had been made to find out why. The report had raised the question of child abuse in families and she suggested that early detection programmes should be considered to reinforce counselling in schools. She requested further information on measures for the protection of children from abuse in the family and noted that the situation for children of foreign parents could be a challenge at local level, even though they were protected by legislation and enforcement machinery. She also wished to know what support was available to adolescents, in particular young girls, given that the rates of suicide, sexual abuse and consumption of tobacco and alcohol were high.

52. Ms. KARP asked about the periodic review of children placed outside the family. In her view a once-yearly review of children placed in foster families and a review every two years of those in institutions was insufficient. She also enquired whether it was true that not all cantons heard children's opinions before placing them outside the family and wanted to know what guarantees existed to ensure that a child's opinion was heard. The Supreme Court had ruled that corporal punishment was not prohibited, even in the education system, whereas in most countries there was an increasing tendency to abolish corporal punishment in schools even if parents were allowed to continue using it. She requested clarification of the situation and asked whether there

was a disparity among the cantons concerning the prohibition of corporal punishment in the home. She noted that the Committee had received information that female genital mutilation was still being carried out outside Switzerland by Swiss citizens and wondered whether measures could be taken to prohibit the practice.

53. Mr. AL-SHEDDI requested further information on article 7 of the Constitution regarding the right to acquire a name and nationality, which was an issue of concern to the Committee. Article 24 of the International Covenant on Civil and Political Rights, to which Switzerland had entered no reservations, stated that all children should have the right to dual nationality. He also requested clarification of the procedure for granting Swiss citizenship, having read that certain original nationalities received Swiss citizenship more quickly than others. With regard to parental responsibility, there appeared to be a contradiction in the report: paragraph 138 stated that a mother not married to the father of the child had parental responsibility and paragraph 228 stated that, if requested, the father could have dual responsibility with the mother if the couple were unmarried. There was also some confusion regarding corporal punishment. According to Paragraph 550 it was prohibited in Swiss schools; however, in a ruling on 8 May 1991 the Federal Court had stated that corporal punishment was not always prohibited in schools and was allowed in emergency situations.

54. Ms. SARDENBERG asked whether there were any programmes to reduce the high number of traffic accidents indicated in the report. On the issue of Roma children, she pointed out that it could be difficult to integrate them into the education system and wondered whether programmes existed to assist their integration and avoid discrimination. She requested additional information about a planned conference on human rights to be held in Switzerland in 2002 and wondered whether children's rights were included on the agenda. She also wanted to know about the objectives of the national research programme entitled, "Children and youth and relations between the generations in a changing society" planned for April 2003 and whether children's rights would be included. She asked how the Committee's conclusions and recommendations would be implemented at cantonal level, given that respect for human rights was an issue dealt with at federal level.

55. Ms. TIGERSTEDT-TÄHTELÄ asked whether a study had been made on self-executing and non-self-executing articles before Switzerland's ratification of the Convention on the Rights of the Child.

56. Ms. KARP, returning to her question about boys only being protected against sexual abuse and rape up to the age of 16 years under articles 187 and 190 of the Constitution, suggested that the issue needed further consideration.

57. Mr. MICHEL (Switzerland), replying to questions on the implementation of the Committee's conclusions, said that they would be made available to all those concerned and would also be posted on the appropriate federal administration web page. He confirmed that Switzerland was internationally responsible for the application of the Convention by all internal entities, including the cantons, which was why it was very important to ensure that adequate mechanisms were in place for the Convention to be fully applicable throughout the country.

58. Mr. BRAUN (Switzerland) said that naturalization applications proceeded through three levels: communal, cantonal and federal; if an application was accepted at communal level its passage through subsequent stages was normally automatic. The procedure of taking a decision by popular vote was followed only in very small communities. Situations attributable to xenophobia had been extremely rare, although the popular vote procedure could have led, in some cases, to arbitrary decisions. A bill on naturalization currently before Parliament would change matters; its basic feature was the provision of recourse measures, under which cantons would be required to establish a judicial authority as a final instance - although appeal to the federal level would still be possible. The new law would also make naturalization easier for second-generation and third-generation persons, and would lower the residence requirement from 12 to 8 years for ordinary naturalization. The residence requirement for stateless children would be five years. Once the new law was in force, Switzerland would be able to withdraw its reservation relating to article 7 of the Convention.

59. Mr. SÜTTERLIN (Switzerland) said that the proposed new legislation would do away with the current system under which applications for Swiss nationality could be rejected at communal or cantonal level without right of recourse. Increased funds had been made available by Parliament for the integration of aliens into the country's economic and social life, including the funding of projects for language teaching and other training.

60. Mr. MICHEL (Switzerland), referring to questions on allegations of torture and ill-treatment of young persons by police, said that most of the matters reported had related to the large increase, in recent years, of young persons involved in drug trafficking and associated violence, making matters difficult for an understaffed police force. Since 1999, the federal authorities had introduced measures to regularize procedures.

61. Mr. STETTLER (Switzerland) said that, since the revision of the divorce law, a judge remained able to award custody of a child to one parent but could, in addition, award it to both parents if the child's interests were thereby deemed best served. Likewise, in cases of unmarried parents, custody could be awarded to the mother as before but, since January 2000, could be awarded to both parents at the court's discretion.

62. The number of adoptions had fallen sharply during the past 15 years. Adoption of the child of a spouse on remarriage, as distinct from adoption as normally understood, had been very prevalent in Switzerland, and legislation had been enacted to prohibit such adoption after remarriage until the new marriage had lasted five years. With regard to international adoption, Switzerland had enacted into domestic legislation, in 2001, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, with associated provisions for taking children into care should adoption procedure in another country fail and for strengthening considerably the penal sanctions in cases of child abuse. The new legislation also provided that children would be repatriated only in exceptional circumstances, such as revelation that the child had been abducted from its natural mother. In addition, application for prolonged residence could be applied for in cases of failed adoption. Young persons over 18 years of age were legally entitled to request data on their biological parents without being required to give reasons; in the case of persons under that age, reasonable grounds must be adduced.

63. Pursuant to legislation adopted in 1990, a child had the right to be heard in civil and criminal proceedings and could, for example, testify in a divorce case. The Federal Council had also decreed, in that regard, that article 12 of the Convention was directly applicable.

64. Ms. HÄBERLI (Switzerland) said that statistics showed a steady decline, in recent years, in child deaths and injuries resulting from traffic accidents; the figures were close to the average for European countries. The Swiss Office for Accident Prevention was responsible for awareness and prevention measures. Research showed that the causes involved certain features perhaps more prevalent in Switzerland than elsewhere, such as bicycle riding from an early age and a high proportion of unaccompanied child pedestrians. Traffic accident prevention measures, in implementation and effect, stood comparison with those of other countries, as did the laws' requirements such as those relating to seat belts, vehicle lighting and pedestrian right of way at crossings. As a result of early training, including school talks by police, children were widely aware of traffic safety considerations.

65. Mr. WICHT (Switzerland) said that corporal punishment in schools was strictly forbidden pursuant to cantonal legislation, supplemented by the relevant provisions of the Criminal Code. Under cantonal rules, disciplinary measures ranged from oral warnings to expulsion, but excluded corporal punishment.

66. Replying to a question by the Chairperson, he said that a ruling such as that of the Federal Court in 1991, to the effect that corporal punishment was not necessarily wrong in all circumstances, would be impossible under current legislation.

67. Ms. CHUTIKUL thanked the Swiss delegation for a detailed dialogue which she hoped had been useful. The Committee's concluding observations would reflect its views on the need for some coordinating mechanism to deal with discrepancies between the cantons, and between cantonal and federal levels, and its hope that the Swiss authorities would see their way to withdrawing their reservations in respect of certain articles of the Convention. The Committee hoped that its concluding observations would receive as much attention as possible, and that discussion of them would involve children too.

68. Mr. MICHEL (Switzerland) said that Switzerland welcomed the process made possible pursuant to the Convention's provisions, as well as the Committee's role as a catalyst in the task of coordinating and intensifying cooperation among federal authorities, the cantons and NGOs. His delegation had noted the points raised by some Committee members about the federal role in efforts to ensure the Convention's full implementation throughout the country. In that regard, he wondered whether the role of the Federal Court, to which appeal was always possible, and the values of diversity under a cantonal system in which not everything was centralized, were fully appreciated. His delegation nevertheless recognized the value of continued dialogue and cooperation.

The meeting rose at 6.10 p.m.